

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOSE JIMENEZ

Plaintiff

vs.

SMITH & NEPHEW, INC.

Defendants

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CASE NO. 1:09-cv-00416 MCA DJS

AGREED MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOSE JIMENEZ, Plaintiff herein, and moves the Court to grant a dismissal of this cause of action against the Defendants, SMITH & NEPHEW, INC., and as grounds for which Plaintiff would show:

The parties have agreed upon settlement terms including dismissal of all claims against Defendant with prejudice, with respective parties to pay their own costs and fees. No cross-action has been filed, and no reason exists why a dismissal with prejudice against Defendants should not be granted.

Wherefore, premises considered, Plaintiff prays for entry of an order of dismissal with prejudice.

Respectfully submitted,

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By: 

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FOR PLAINTIFF Jose Jimenez

Agreed:

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By:   
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ATTORNEYS *pro hac vice*  
FOR DEFENDANT,  
Smith & Nephew, Inc.

**Certificate of Service**

I hereby certify that a true and correct copy of **PLAINTIFFS' AGREED MOTION TO DISMISS** has been served upon all parties or their respective counsel of record by facsimile, messenger or by placing the same in the United States mail, postage prepaid, by certified mail, return receipt requested, properly addressed to the individuals below, on February 4, 2010.

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